

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 58

Introduced by Mines, 18

Read first time January 6, 2005

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to employment; to amend sections 81-113,
2 81-117, and 84-1001, Reissue Revised Statutes of
3 Nebraska; to eliminate recognition of holiday
4 proclamations by the President of the United States; and
5 to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-113, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-113. Each department shall be open for the
4 transaction of business at least from 8 a.m. until 5 p.m., of each
5 day except Saturdays, Sundays, and days declared by statutory
6 enactment or proclamation of the ~~President~~ ~~or~~ Governor to be
7 holidays.

8 Sec. 2. Section 81-117, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-117. (1) No head of a department or employee therein
11 employed at a fixed compensation shall be paid for any extra
12 services, unless expressly authorized by law. When ~~PROVIDED,~~
13 ~~that when~~ any employee is required to work more than forty hours in
14 any week, he or she may, in the discretion of the department head,
15 be granted compensatory time off at the rate of one and one-half
16 times the hours worked in excess of forty in subsequent weeks when
17 his or her duties will permit, or be paid a sum equivalent to one
18 and one-half times his or her hourly pay or his or her monthly pay
19 prorated on an hourly basis for such overtime hours.

20 (2) No state agency, engaged in the operation of a
21 hospital or an establishment which is an institution primarily
22 engaged in the care of the sick, the aged, or the mentally ill ~~or~~
23 ~~defective~~ who reside on the premises, shall be deemed to have
24 violated sections 81-117 to 81-117.02 if a period of eight hours
25 per day or eighty hours per fourteen consecutive calendar days is
26 established for purposes of determining overtime compensation.
27 Regular employees working on the hourly basis shall be paid wages
28 equivalent to their regular wages for the usual number of work

1 hours for days declared by statutory act or proclamation of the
2 ~~President of the United States or the~~ Governor to be holidays.
3 Employees ~~+ PROVIDED, employees~~ who have had at least one year of
4 continuous employment with the state as hourly employees shall be
5 guaranteed forty hours work each week.

6 (3) No state agency shall be deemed to have violated
7 sections 81-117 to 81-117.02 with respect to employment in fire
8 protection activities, law enforcement activities, including
9 security personnel at correctional institutions, or agricultural
10 activities, if (a) in a work period of twenty-eight consecutive
11 days the employee receives, for four tours of duty which in the
12 aggregate exceed two hundred hours, or (b) in the case of such
13 employees to whom a work period of at least seven but less than
14 twenty-eight days applies, in such work periods the employee
15 receives, for four tours of duty which in the aggregate exceed the
16 number of hours which bear the same ratio to the number of
17 consecutive days of work period as two hundred hours bears to
18 twenty-eight days, compensation at a rate not less than one and
19 one-half times the regular rate at which the employee is paid for
20 all hours in excess of subdivisions (a) and (b) of this subsection.

21 Sec. 3. Section 84-1001, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 84-1001. (1) All state officers and heads of departments
24 and their deputies, assistants, and employees, except permanent
25 part-time employees, temporary employees, and members of any board
26 or commission not required to render full-time service, shall
27 render not less than forty hours of labor each week except any week
28 in which a paid holiday may occur.

1 (2) Regular work by such employees shall not be performed
2 on paid holidays, Saturdays, or Sundays except in case of an
3 emergency or when otherwise ordered or deemed essential by the
4 Governor.

5 (3) For purposes of this section, paid holidays shall
6 include all of the days enumerated in section 25-2221 and all days
7 declared by law or proclamation of the ~~President or~~ Governor to be
8 holidays.

9 (4) All such holidays shall be paid holidays except as
10 provided in subsection (5) of this section. For purposes of this
11 section, employees shall include permanent and temporary employees.
12 A permanent employee shall mean an employee in a regular full-time
13 or part-time position who works a full-time or part-time schedule
14 on an ongoing basis, and a temporary employee shall mean an
15 employee appointed to a full-time or part-time position for a
16 limited period of time to accomplish a specific task. If any such
17 holiday falls on Sunday, the following Monday shall be a holiday.
18 If any such holiday falls on Saturday, the preceding Friday shall
19 be a holiday.

20 (5) Employees who are required to work on any holiday
21 shall be granted either a workday of compensatory time off or be
22 paid for the time worked in accordance with existing state and
23 federal statutes, except that temporary employees shall not be
24 eligible for paid holidays and if required to work on a holiday
25 shall be paid for the time worked at their normal rate of pay.
26 Permanent part-time employees shall be eligible for paid holidays
27 on a pro rata basis. In order to receive pay for such holiday an
28 employee, whether part time or full time, must not have been absent

1 without pay on the workday immediately preceding or immediately
2 following the holiday unless excused by his or her supervisor. The
3 Director of Personnel shall adopt and promulgate such rules and
4 regulations as are necessary to administer this section.

5 Sec. 4. Original sections 81-113, 81-117, and 84-1001,
6 Reissue Revised Statutes of Nebraska, are repealed.